

REMARKS / ARGUMENTS**I. General Remarks and Disposition of the Claims**

Please consider the application in view of the following remarks. Applicants thank the Examiner for the careful consideration of this application, including the references that Applicants have submitted in this case.

At the time of the Office Action, claims 18-29, 31-32, 35-46, 48-61 and 63-77 were pending in this application. Of these, claims 20-24, 27, 37-41, 44, 50-61, 63-64 and 67 were indicated as withdrawn. Claims 18-19, 25-26, 28-29, 31-32, 35-36, 42-43, 45-46, 48-49, 65-66 and 68-77 were rejected in the Office Action. No claims have been amended in this response. Applicants respectfully request reconsideration in light of the remarks contained herein.

II. Remarks Regarding Rejections Under 35 U.S.C. § 103(a)**A. Rejection of Claims 18-19, 25, 28, 31-32, 35-36, 42, 45, 48-49, 65-66, 68-73, 75 and 77 under 35 U.S.C. § 103(a) over *Nguyen* in view of *Martin* and *Beck***

Claims 18-19, 25, 28, 31-32, 35-36, 42, 45, 48-49, 65-66, 68-73, 75 and 77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,381,864 to *Nguyen et al.* (hereinafter "*Nguyen*") in view of U.S. Patent No. 4,969,523 to *Martin et al.* (hereinafter "*Martin*"), further in view of U.S. Patent No. 4,493,875 to *Beck et al.* (hereinafter "*Beck*"). Applicants respectfully disagree.

i. The Proposed Combination Renders the Prior Art Unsatisfactory for Its Intended Purpose

In order for a reference or combination of references to form the basis for a rejection under § 103(a), a *prima facie* case of obviousness must be established. Obviousness is determined by construing the scope of the prior art, identifying the differences between the claims and the prior art, determining the level of skill in the pertinent art at the time of the invention, and considering objective evidence present in the application indicating obviousness or nonobviousness. *Graham v. John Deere*, 383 U.S. 1, 17 (1966). In forming a rejection based on a combination of prior art elements, the proposed modification cannot render the prior art invention being modified unsatisfactory for its intended purpose. As stated in MPEP § 2143.01, "[i]f the proposed

modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion of motivation to make the proposed modification.” See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP § 2143.01. As a result, a rejection based on the combination of multiple references cannot establish a *prima facie* case of obviousness if two or more of the references cannot be combined.

In the present rejection, the Examiner states that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have produced sand/SVDB particulate material that closely matches density of carrier liquids in *Nguyen et al. '864* in view of *Martin* as composite particles having dense core particles coated with low density particles with the expectation of avoiding the settling problem, as taught by *Beck et al.*” Office Action at 7. Applicants disagree since the proposed combination of *Beck* with *Nguyen* and/or *Martin* would render the invention of *Nguyen* unsatisfactory for its intended purpose.

With respect to *Nguyen*, the invention is directed towards the use of a treating composition comprising a particulate blend. See *Nguyen* Abstract. Specifically, *Nguyen* is directed towards addressing the need for “treating techniques wherein the particulate materials used will both (a) prevent the migration of formation sand and fines and (b) provide high relative production rates.” *Nguyen* at col. 4, ll. 41-44. The use in the prior art described in *Nguyen* of a single sized particulate involves a trade-off between using a large particulate and a small particulate. *Nguyen* at col. 4, ll. 18-36. Large particulates provide high initial permeability but allow for the migration of formation fines into the proppant bed. *Id.* Small particulates prevent the migration of formation sand and fines but have relatively low permeabilities and therefore yield substantially reduced production rates. *Id.* The solution to using a single sized particulate as disclosed in *Nguyen* is the use of a particulate blend comprising a large particulate material and a small particulate material. *Id.* at col. 7, ll. 29-37. The blend allows the individual particulates to form a pack in the formation that “ provides a high permeability flow path to the wellbore and [] prevent[s] the migration of formation sand and fines through the formation fractures.” *Id.* at col. 13, ll. 18-34. Example 1 of *Nguyen* demonstrates the improved results obtained using a blend of particulates

relative to samples of both relatively large particulates alone and relatively small particulates alone. *Id.* at col. 18, l. 24 – col. 19, l. 11. Thus, the principle of operation of *Nguyen* clearly relies upon the inclusion of a blend of particulates, and the particulates of *Nguyen* would not be satisfactory for their intended purpose if only a single sized particulate were to be used.

The Examiner has also argued that *Nguyen* can be used with a hardenable resin system and that such a system forms a coated particulate. Final Office Action at 5. Applicants agree that *Nguyen* discloses the use of a hardenable resin system in an embodiment, but disagree that such a system results in a coated particulate. The Examiner's main argument appears to be that a resin coated particulate would result in the adhesion of the various particles in the stream. Final Office Action at 5-6. Further, the Examiner argues that "Nguyen teaches nowhere that the large particulate material and a small particulate material should be present separately from each other in a stream in the presence of the hardenable (adhesive) resin" Final Office Action at 5. Applicants respectfully disagree with this argument.

Nguyen does disclose throughout its description that the large particulate material and the small particulate material should be separate. Specifically, *Nguyen* defines the "particulate blend" by stating that the "particulate blend comprises a large particulate material and a small particulate material." *Nguyen*, col. 7, ll. 32-34. When discussing the use of an additional hardenable resin, *Nguyen* states that "the resin system can be (a) added to the treating composition at the well site, (b) included as a precoating on the individual particles of the particulate blend, . . ." *Nguyen*, col. 7, ll. 37-41. Thus, the hardenable resin can be coated on individual particles, which comprise both large and small particulates. In describing the hardenable resin, *Nguyen* states that "the hardenable resin system will be included in the treating composition in an effective amount for consolidating the particulate blend to form a hard permeable mass within the subterranean zone being treated." *Nguyen*, col. 10, ll. 41-45 (emphasis added). Thus, the particulates comprise a small particulate and a large particulate, even if coated with a hardenable resin, until they reach the subterranean zone being treated before they are consolidated. The further specific embodiments all describe the particulate blend as being consolidated within the zone of interest (e.g., the

subterranean formation (*Nguyen*, col. 10, ll. 41-45), the formation fractures (*Nguyen*, col. 13, ll. 35-39), around a screening device (*Nguyen*, col. 15, ll. 7-13)). Applicants note that *Nguyen* does not described a “composite particle” or that the small particulate material and the large particulate material ever adhere to one another prior to being placed in the specific zone of interest. Thus in contrast to the Examiner’s assertion, *Nguyen* does describe that the large particulate material and the small particulate material are present separately from each other in the stream before being placed in the zone of interest, even in the presence of a hardenable resin.

Applicants note that the Examiner’s arguments that the particles would adhere to one another does not contain a reference to a particular teaching in the cited prior art. It would appear that the Examiner is relying on inherency to argue that two resin coated particulates would adhere to form a coated particulate. However, simply having two resin coated particulates in a solution would not necessarily cause the two particulates to adhere—an interpretation that would further conflict with the express teachings of *Nguyen* for placing a particulate blend, rather than a composite particulate, into the formation. As stated by the Court of Appeals for the Federal Circuit “[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999); see also MPEP § 2112. Thus, the fact that two resin coated particulates may adhere in a treatment fluid is insufficient to inherently disclose a reduced-density, coated particulate. To the extent the Examiner is relying upon “common knowledge” or “well known” principles to establish the rejection, Applicants request that a reference be provided in support of the position that “a blend of separate particles [] would adhere to the (adhesive) resin on the particles in the stream” pursuant to MPEP § 2144.03. Final Office Action at 6. Furthermore, to the extent that the Examiner maintains any rejection based on an “Official Notice” or other information within the Examiner’s personal knowledge, Applicants respectfully request that the

Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with MPEP § 2144.03 and 37 C.F.R. 1.104(d)(2).

In contrast to the teaching of a particulate blend in *Nguyen*, *Beck* is directed to a composite proppant formed by mixing core particles with adhesive and coating the core particles with hollow microparticles to adhere the microparticles to the coated core. *Beck* at col. 2, l. 65 – col. 3, l. 7. These particles are cured to form a single sized particulate prior to being placed in a wellbore. *Id.* Thus, applying the teachings of *Beck* to the particulate blend of *Nguyen* would result in the adhesion of the relatively small particulates to the relatively large particulates prior to being placed in the wellbore. In other words, the combined particulates would have a single size, which is contrary to the purpose and functionality of the particulate blend of *Nguyen*. It should therefore be clear that in forming a rejection based on a combination of *Nguyen* in view of *Beck*, the proposed modification renders the particulate blend, which would become agglomerated, unsatisfactory for its intended purpose. Thus, there is no suggestion or motivation to make the proposed modification. See MPEP 2143.01(V).

In response to the Applicants' statements, the Examiner has indicated that "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." Final Office Action at 5. Applicants specifically note that under MPEP §2143, Applicants are arguing against the ability to combine the references and not against the references individually. To the extent that *Nguyen* and *Beck* cannot be combined, the combination argued by the Examiner cannot be used to form a *prima facie* case of obviousness.

ii. *Nguyen, Martin, and Beck Do Not Disclose "Allowing the Density Reducing Material to Adhere to a Surface of the Coated Particulate to Create at Least One Reduced-Density, Coated Particulate in the Third Flowing Stream" and Combining the Third Stream With a Carrier Fluid Prior to Being Placed in the Subterranean Formation*

Further, the combination of *Nguyen, Martin, and Beck* does not disclose all of the elements of independent claims 18, 35, or 68. Even if *Nguyen* could be modified by the teachings of *Martin*—a position the Applicants do not adopt—the references would not disclose at least "allowing the density reducing material to adhere to a surface of the

coated particulate to create at least one reduced-density, coated particulate in the third flowing stream” and combining the third stream with a carrier fluid prior to being placed in the subterranean formation as required by independent claims 18, 35, and 68. The Examiner argues that “according to *Nguyen* et al. the hardenable epoxy resin rapidly coats particulate materials such as sand, glass beads or synthetic resin pellets in a treating composition in the presence of the gelled aqueous carrier liquid and a surface active agent” Final Office Action at 5-6 (emphasis added). Applicants note that even if two particulates coated with resin were to collide and adhere—a proposition that Applicants assert would not necessarily occur—the teachings of *Nguyen* indicated that they would do so in the gelled aqueous carrier liquid containing a surface active agent (*i.e.*, a servicing fluid). Thus, even if the Examiner’s argument were to be accepted, *Nguyen* does not disclose the formation of “at least one reduced-density, coated particulate in the third flowing stream,” which must occur prior to the third flowing stream being combined with a servicing fluid to form the fourth flowing stream.

Further, *Martin* does not describe coating a particulate at all. Specifically, *Martin*, is directed towards the use of at least first particles having a first density and second particles having a second density (*i.e.*, two separate particles), and thus does not describe a composite particle. See *Martin* Abstract. Nor does *Martin* disclose a resin being used. As *Martin* does not disclose any type of composite, reduced density particulate, *Martin* cannot disclose “allowing the density reducing material to adhere to a surface of the coated particulate to create at least one reduced-density, coated particulate in the third flowing stream” and combining the third stream with a carrier fluid prior to being placed in the subterranean formation as required by independent claims 18, 35, and 68.

Beck also does not describe combining a particulate with a servicing fluid. Thus, *Beck* cannot disclose “allowing the density reducing material to adhere to a surface of the coated particulate to create at least one reduced-density, coated particulate in the third flowing stream” and combining the third stream with a carrier fluid prior to being placed in the subterranean formation as required by independent claims 18, 35, and 68.

Thus, the combination of *Nguyen* in view of *Martin*, further in view of *Beck* fails to obviate claims 18, 35, and 68. Claims 19, 25, 28, 31-32, 36, 42, 45, 48-49, 65-66, 69-

73, 75 and 77 depend, either directly or indirectly, from independent claims 18, 35, and 68 and therefore include all the limitations of independent claims 18, 35, and 68. Thus, claims 18-19, 25, 28, 31-32, 35-36, 42, 45, 48-49, 65-66, 68-73, 75 and 77 are patentable over the combination of *Nguyen*, *Martin*, and *Beck*. See 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, for at least these reasons, Applicants respectfully request withdrawal of this rejection with respect to claims 18-19, 25, 28, 31-32, 35-36, 42, 45, 48-49, 65-66, 68-73, 75 and 77.

B. Rejection of Claims 18-19, 25, 28, 31-32, 35-36, 42, 45, 48-49, 65-66, 68-73, 75 and 77 under 35 U.S.C. § 103(a) over *Nguyen* in view of *Martin*, *Beck* and *Sielcken*

Claims 18-19, 25, 28, 31-32, 35-36, 42, 45, 48-49, 65-66, 68-73, 75 and 77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nguyen* in view of *Martin* and *Beck*, and further in view of U.S. Patent No. 5,585,524 to *Sielcken et al.* (hereinafter “*Sielcken*”). Applicants respectfully disagree.

As discussed above in Section II.A.i, there is no suggestion or motivation to combine the teachings of *Nguyen* with the teachings of *Beck*. Further with respect to the arguments under section II.A.ii above, the teachings of *Sielcken* do not make up for the deficiencies in the proposed combination. Specifically, the Examiner cites *Sielcken* for the alleged teaching of using a CSTR to carry out the continuous mixing process of *Nguyen*. *Sielcken* does not disclose at least “allowing the density reducing material to adhere to a surface of the coated particulate to create at least one reduced-density, coated particulate in the third flowing stream” and combining the third stream with a carrier fluid prior to being placed in the subterranean formation as required by independent claims 18, 35, and 68. Claims 19, 25, 28, 31-32, 36, 42, 45, 48-49, 65-66, 69-73, 75 and 77 depend, either directly or indirectly, from independent claims 18, 35, and 68 and therefore include all the limitations of independent claims 18, 35, and 68. Thus, claims 18-19, 25, 28, 31-32, 35-36, 42, 45, 48-49, 65-66, 68-73, 75 and 77 are patentable over the combination of *Nguyen*, *Martin*, *Beck*, and *Sielcken*. See 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, for at least these reasons, Applicants respectfully request withdrawal of this rejection with respect to claims 18-19, 25, 28, 31-32, 35-36, 42, 45, 48-49, 65-66, 68-73, 75 and 77.

C. Rejection of Claims 18-19, 25-26, 28, 31-32, 35-36, 42-43, 45, 48-49, 65-66, 68-75 and 77 under 35 U.S.C. § 103(a) over *Murphey* '390 in view of *Martin*, *Beck* and *Sielcken*

Claims 18-19, 25-26, 28, 31-32, 35-36, 42-43, 45, 48-49, 65-66, 68-75 and 77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,128,390 to *Murphey et al.* (hereinafter "*Murphey* '390") in view of *Martin* and *Beck*, and further in view of *Sielcken*.

In order for a reference or combination of references to form the basis for a rejection under § 103(a), a *prima facie* case of obviousness must be established. The United States Supreme court has identified a number of rationales under which a *prima facie* case of obviousness may be established. See *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 127 S.Ct. 1727, 1731 (2007). Each rationale is directed towards identifying known elements in the prior art. See MPEP § 2143. Further, it is improper to combine references where the references themselves teach away from the combination. See MPEP § 2145 X.D. Applicants respectfully submit that the cited references teach away from their combination, and thus, the Examiner has not established a *prima facie* case of obviousness.

Specifically, the Examiner states that the combination used to reject the claims could be based on *Murphey* '390. *Murphey* '390 would then be modified to include the particle blend of *Martin* and then the particle blend would be combined to form a single composite particulate using the teachings of *Beck*. In essence, the Examiner has identified individual elements in the prior art and cobbled them together to form the present rejection. However, the references used by the Examiner teach away from their combination.

Even if *Murphey* '390 and *Martin* could be combined, the teachings of *Martin* contradict those of *Beck*. With respect to *Martin*, the invention is directed towards the use of at least first particles having a first density and second particles having a second density (*i.e.*, two separate particles). See *Martin* Abstract. The particles can be injected as a blend or as sequential slugs. *Id.* The two different densities are preferably chosen so that the "first density [is] less than the density of the carrier liquid and . . . [the] second density [] is greater than the density of the carrier liquid." *Martin* at col. 2, ll. 18-

20. In this manner, the upper perforations are packed predominantly by the less dense particles while the lower perforations are predominantly packed by the more dense particles. In other words, the less dense particles predominantly float to pack the top perforations while the more dense particles predominantly sink to pack the lower perforations. *Martin* thus relies on the density differences between the particles to improve the packing efficiency in the perforations relative to using a single density particle such as sand. See *Id.* at col. 4, ll. 9-14. Thus, the principle of operation of *Martin* clearly relies upon the inclusion of a blend of at least two separate particles or sequential slugs of two separate particles with distinct differences in density relative to the carrier fluid. The particles of *Martin* would not function the same if only a single sized particle with a single density were used.

The Examiner argues that “*Martin* on the other hand teaches that proppant particles should have a density closely matching the density of carrier fluids to avoid settling problem by combining stream containing dense particles such as sand with stream containing low density particles such as SVDB. Although *Martin et al.* does not explicitly teach that sand/SVDB particulate material that closely matches density of carrier liquids is composite particle having dense core particles coated with low density particles, one of ordinary skill in the art would easily recognize that the dense sand particles and the SVDB particles have to form composite particles in order to achieve the desired ‘middle’ density matching density of the carrier liquid.” Final Office Action at 6-7. Applicants note that this appears to be a mischaracterization of *Martin*. *Martin* is actually directed to solving the problem presented by “the use of particulate materials and carrier liquids with more closely matched density” *Martin*, col. 1, ll. 63-68. *Martin* specifically mentions that “the cost of these specialized materials greatly exceeds the cost of simple sand packing materials.” *Martin*, col. 2, ll. 6-8. This is the reason that *Martin* is directed towards a mixture of individual particles with two distinct densities and not a single, composite particle. At no point does *Martin* mention the formation of a composite particle, the use of any type of binder to form a composite particle, or the need for a particle of a “middle” density. Such a characterization ignores the states purpose of *Martin*. Thus, *Martin* is directed towards the use of at least two separate particles, and not any type of composite particle.

As noted above in Section II.A, *Beck* is directed to composite proppant formed by mixing core particles with adhesive and coating the core particles with hollow microparticles to adhere the microparticles to the coated core. *Beck* at col. 2, l. 65 – col. 3, l. 7. These particles are cured to form a single sized particulate with a density approaching the density of the carrier fluid. *Id.* Thus, applying the teachings of *Beck* to the particle blend or sequential slugs of *Murphey* '390 in view of *Martin* would result in the formation of a single composite particle with a single density prior to being placed in the wellbore. In other words, the combined particles would have a single size and a single density, which is contrary to the purpose and functionality of the invention of *Martin*. It should therefore be clear that the individual references teach away from the combination of the references as presented by the Examiner.

Applicants note that *Sielcken* does not provide any teachings for or against the combination of *Murphey* '390, *Martin*, and *Beck* as *Sielcken* is directed towards a method for the preparation of an aldehyde and does not discuss particulates or hydrocarbon production. Specifically, the Examiner cites *Sielcken* for the alleged teaching of using a CSTR to carry out the continuous mixing process. Office Action at 12-13.

Therefore, Applicants respectfully assert that independent claims 18, 35, and 68 and their dependent claims are not rendered obvious by the combination of *Murphey* '390, *Martin*, *Beck*, and *Sielcken*. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claims 18-19, 25-26, 28, 31-32, 35-36, 42-43, 45, 48-49, 65-66, 68-75 and 77.

D. Rejection of Claims 26, 43 and 74 under 35. U.S.C. § 103(a) over *Nguyen* in view of *Martin*, *Beck*, *Sielcken*, *Murphey* '390 and *Murphey* '988

Claims 26, 43 and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nguyen* in view of *Martin* and *Beck*, or over *Nguyen* in view of *Martin* and *Beck*, further in view of *Sielcken* or over *Murphey* '390 in view of *Martin* and *Beck*, further in view of *Sielcken*, and further in view of U.S. Patent No. 4,665,988 to *Murphey et al.* (hereinafter "*Murphey* '988").

As discussed above in Sections II.A and II.C, there is no suggestion or motivation to combine the teachings of *Nguyen* with the teachings of *Beck*. As discussed above in Sections II.C, the references teach away from the combination of *Murphey* '390, *Martin*, and *Beck*, with or without *Sielcken*. The teachings of *Murphey* '988 do not make up for the deficiencies in the proposed combination. Specifically, the Examiner cites *Murphey* '988 for the alleged teaching of ethylene glycol butyl ether as a solvent for dissolving epoxy resins. Office Action at 13. *Murphey* '988 does not provide a suggestion or motivation to combine the teachings of *Nguyen* and *Beck*. Similarly, *Murphey* '988 does not counteract the disparate teachings of *Murphey* '390, *Martin*, and *Beck*, with or without *Sielcken* that teach away from a combination of the references. Thus, *Murphey* '988 does not make up for the deficiencies with either of these combinations.

The combinations of *Nguyen* in view of *Martin* and *Beck*, and/or in further in view of *Sielcken*, or *Murphey* '390 in view of *Martin*, *Beck*, *Sielcken*, and *Murphey* '988 cannot obviate claims 26, 43 and 74. Accordingly, for at least these reasons, Applicants respectfully request withdrawal of this rejection with respect to claims 26, 43 and 74.

E. Rejection of Claims 28-29, 45-46 and 75-76 under 35 U.S.C. § 103(a) over *Nguyen* in view of *Martin*, *Beck*, *Sielcken*, *Murphey* '390 and *McDaniel*

Claims 28-29, 45-46 and 75-76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nguyen* in view of *Martin* and *Beck* or over *Nguyen* in view of *Martin* and *Beck*, further in view of *Sielcken* or over *Murphey* '390, in view of *Martin* and *Beck*, further in view of *Sielcken*, and further in view of U.S. Patent Application No. 2002/0048676 to *McDaniel et al.* (hereinafter "*McDaniel*").

As discussed above in Sections II.A and II.C, there is no suggestion or motivation to combine the teachings of *Nguyen* with the teachings of *Beck*. As discussed above in Sections II.C, the references teach away from the combination of *Murphey* '390, *Martin*, and *Beck*, with or without *Sielcken*. The teachings of *McDaniel* do not make up for the deficiencies in the proposed combination. Specifically, the Examiner cites *McDaniel* for the alleged teaching of a functional equivalency among resins. Office Action at 14. *McDaniel* does not provide a suggestion or motivation to combine the teachings of *Nguyen* and *Beck*. Similarly, *McDaniel* does not counteract the disparate teachings of

Murphey '390, *Martin*, and *Beck*, with or without *Sielcken* that teach away from a combination of the references. Thus, *McDaniel* does not make up for the deficiencies with either of these combinations.

The combinations of *Nguyen* in view of *Martin* and *Beck*, and/or in further in view of *Sielcken*, or *Murphey '390* in view of *Martin*, *Beck*, *Sielcken*, and *McDaniel* cannot obviate claims 26, 43 and 74. Accordingly, for at least these reasons, Applicants respectfully request withdrawal of this rejection with respect to claims 28-29, 45-46 and 75-76.

III. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art.

SUMMARY

In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due in association with the filing of this response. Should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefore, and direct that any additional fees be charged to McDermott Will & Emery's Deposit Account No. 500417, Order Number 086108-0157.

Respectfully submitted,

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